

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANTONIO LUNA,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of
the Social Security Administration,
Defendant.

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No. 3:09-CV-1436-M-BH

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, & Recommendation of the United States Magistrate Judge on *Plaintiff's Motion for Summary Judgment*, filed October 9, 2009, and *Commissioner's Motion for Summary Judgment*, filed November 10, 2009. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, & Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions, & Recommendation of the United States Magistrate Judge.

Plaintiff's Motion for Summary Judgment, filed October 9, 2009, is **GRANTED**, and *Commissioner's Motion for Summary Judgment*, filed November 10, 2009, is **DENIED**. The case is remanded to the Commissioner for reconsideration.

SIGNED this 18th day of February, 2010.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS